

MAIDSTONE BOROUGH COUNCIL

FULL COUNCIL

13 APRIL 2022

**REPORT OF THE DEMOCRACY AND GENERAL PURPOSES COMMITTEE
HELD ON 9 MARCH 2021**

NEW CONSTITUTION

Issue for Decision

Following the proposed Executive model's agreement by Council in September 2021, the Chairman of the Democracy and General Purposes Committee (the Committee) drafted the Constitution attached at Appendix A, with input, consideration and agreement of the Committee's Governance Arrangements Working Group.

The Constitution is the key governance document for the Council, and sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. The Constitution should come into effect at the Council's Annual Meeting to be held on 21 May 2022, to coincide with the change to Executive Arrangements.

Recommendations Made

That the draft Constitution for Maidstone Borough Council, attached as Appendix A to the report, be adopted to come into effect from the Annual Meeting of the Council on 21 May 2022.

Reasons for Recommendation

In May 2021, the following Motion was agreed by Full Council:

- (1) That Council agrees, in principle, to revert to executive arrangements from its next Annual Meeting for the municipal year 2022/23 onwards.*
- (2) That Council recognises the substantial work required to bring forward final proposals, to review interim arrangements and other aspects of member involvement.*
- (3) That Democracy & General Purposes Committee be requested to consider the matters outlined in (2) and put a proposed executive arrangements model to Council for adoption in order to allow the executive arrangements to be adopted to meet the principle agreed in (1)."*

On 29 September 2021, the Council agreed the below resolutions:

- 1. "That the Executive Model outlined at paragraph 3.3 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee (8 September 2021), be adopted at the Annual Meeting of the Council in 2022.*

2. That the timetable for developing and implementing the new Executive Model set out in paragraph 2.4 and section 7 of the report to the Democracy and General Purposes Committee, attached as Appendix 1 to the report of the Committee, be approved.

3. That the use of reserves to fund the work required to review and redraft the Constitution be approved.”

The approach taken to drafting the new Constitution was noted by the D&GP Committee in November 2021.

The Committee considered sections of the Constitution relevant to the Leader and Cabinet, Policy Advisory Committees (PACs), Overview and Scrutiny, Local Choice Functions, the Administration’s Programme and Procedure rules at its meeting January 2022.

In February 2022, the Committee considered Members rights, questions, agenda items and decision making agreeing the changes proposed in principle. Access to information was still under discussion by the working group in February so was not included for consideration by the Committee at its last meeting.

There has been extensive redrafting of the Access to Information procedure rules with external advice from our lawyer and confirmation from Counsel that the current version is lawful. The revised procedure rules can be found in provision 3.4 in Chapter A and page 157 of the draft Constitution Chapter C, Provision C4.

The Head of Policy, Communications and Governance had been given delegated authority, in consultation with the Chairman of the Committee, to add a ‘Guide to the Constitution’ which is attached as Annex A to the Constitution.

The Committee, as the custodian of the Constitution, will undertake a review of the document after six-months to ensure the Council has an effective and efficient decision-making process.

Alternatives Considered and Why Not Recommended

The Committee could have amended the Constitution to be recommended to full Council or requested a simple redraft of the draft Constitution.

This would have required an additional meeting of the Committee prior to recommending the draft Constitution’s approval to Council. There would have been a reliance on external legal support to produce the document in time for the new governance arrangements.

The recommended action outlined above is the preferred option as the drafted Constitution contained within Appendix A has had extensive Councillor input and complies with legal requirements.

Background Documents

Report to Council 29 September 2021: [\(Public Pack\)Agenda Document for Council, 29/09/2021 19:00 \(maidstone.gov.uk\)](#)

Report to Democracy and General Purposes Committee on 9 March 2021: ([Public Pack](#))[Agenda Document for Democracy and General Purposes Committee, 09/03/2022 18:30 \(maidstone.gov.uk\)](#)

Appendices

Appendix A – Working Group Drafted Constitution

Appendix B – Notes of the Working Group Meetings